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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,990	04/12/2001	Alex Ka Tim Poon	07303.0035	9499

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NGUYEN, HUNG

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2851

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/832,990	POON, ALEX KA TIM
	Examiner Hung Henry V Nguyen	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Amendment filed 5/12/2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-56 is/are withdrawn from consideration.
- 5) Claim(s) 59-72 is/are allowed.
- 6) Claim(s) 57 and 58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-72 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 4/12/01 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims 1-56 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 57-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Andeen et al (U.S.Pat. 6,355,994).

As to claims 57-58, Andeen et al (fig.1) discloses a positioning device for moving a wafer (244) and comprising all basic structures of the instant invention as claimed such as: a first joint movable in first direction (see col.2, line 55), and a second joint (see col.2, line 57) for moving the wafer in second direction (see fig.2A) and a diagonal member (23) for connecting the first and second joints at an angle with respect to the first direction and a first flexure joint and a

second flexure joint for connecting the diagonal member to the first and second joints (see col.2, lines 62-65).

***Allowable Subject Matter***

4. Claims 59-72 are allowed with the reasons set forth in the previous office action.

***Response to Amendments/Arguments***

5. Applicant's amendments filed May 12, 2003 have been entered. Claims 59 has been amended and accordingly claims 59-72 have been found to be allowable.

With respect to the restriction requirements, the Examiner reiterates the finality of the restriction requirement made September 30, 2002 since the combination as claimed (see claim 1) does not require the particulars of the subcombination as claimed (see claim 59) for **patentability** (emphasis added). Because the Examiner has demonstrated that the claims are distinct and independent and requirement is made **Final**, the Applicant is advised to cancel the noted claims or take other appropriate action (37 CFR 1.144).

Turning now to the prior art rejection, the applicant is reminded that the claimed subject matter to examination will be given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not be read into the claims. In re Yamamoto, 740 F. 2d 1569, 1571, 222 USPO 934, 936 (Fed.Cir. 1984).

With this in mind, the discussion herein will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitation that is not in the

claims or any argument that is irrelevant to or does not relate to any specific claimed language will not be warranted.

In view of applicant's remarks, the 35 U.S.C. 103(a) rejection of claims 57-58 under the reference of Gran et al is withdrawn. However, the 102(e) rejection of claims 57-58 under the reference of Andeen et al is maintained. With respect to reference of Andeen et al, Applicant's arguments have been carefully reviewed but they are not found to be persuasive. In response to applicant's arguments that "nowhere in Andeen et al., however, is it disclosed that the first attachment member 230 is bendable in response to the z movement of the raising member 285 to move the platform 240 in x or y direction"; the Examiner respectfully disagrees with the applicant. Andeen et al meets all of the limitations of the claim 57 as broadly claimed. Andeen teaches a precision stage having a first attachment/ first joint (285) movable in a first direction (for example: z direction), a second attachment/second joint (260) movable in a second direction (for example: at least of  $\theta_x$  or  $\theta_y$  or  $\theta_z$  direction), a diagonal member (270) connected to the first and the second joints at an angle (for example: 0 or 180°) with respect to the first direction; and a flexure connecting the diagonal member to the first joint (see col.2, lines 60-64), the flexure bendable in response to the first joint moving in the first direction (z direction, for example) to change the angle with respect to the first direction (z direction) and thereby move the second joint in the second direction. In the broadest sense, when the first attachment member (230) is bendable in response to the z movement of the raising members (285), the platform (240) can be moved in  $\theta_x$  or  $\theta_y$  or  $\theta_z$  direction (second direction) as claimed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 703-305-6462. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

hvn  
July 15, 2003



HENRY HUNG NGUYEN  
PRIMARY EXAMINER